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Apartments in Houses Provisions of Bill 120 Are Now Law



The Residents' Rights Act is a new law in Ontario. Its aim is to improve the safety of tenants living in apartments in houses, and to extend tenant protection rights to residents of care homes. It also encourages municipalities to work with homeowners who wish to install garden suites on their properties.

**On July 14, 1994,
the Apartments in Houses
provisions of Bill 120
became law.**

This part of the Bill allows owners of detached, semi-detached and row houses to have one, self-contained apartment in their house provided that the unit meets Building Code, Fire Code and reasonable planning standards. The law does not cover houses with three or more units, nor does it require that municipalities allow rooming houses.

Homeowners are now legally obligated to make sure their units are safe.

There are new Fire Code standards designed specifically for houses with two units. These standards cover such matters as smoke alarms, fire separation between units and fire exits.

There are stiff maximum penalties for not complying with the Fire Code, specifically, up to \$25,000 for each violation and/or a year in jail, as well as possible charges for negligence if an accident occurs.

Creating safe, legal apartments in houses will benefit home owners as well as tenants. When a municipal inspector determines that an apartment is legal, it may be easier for the home owner to get mortgage financing and insurance. An apartment that meets all standards can also improve the resale value of the property and can provide peace of mind to the owner.

The Residents' Rights Act also improves powers of entry for property standards and zoning officers.

The legislation makes it easier to obtain a search warrant to investigate possible zoning and property standards offences. In addition, it is now an offence to obstruct a property standards officer. These powers are in addition to the already significant powers of entry available to Fire Officials.

Tenants living in apartments in houses are now in a better position to exercise their rights to a safe and legal place to live.

Before this law, more than 100,000 apartments in houses were illegal because of zoning by-laws. As a result, these units were "hidden" from the Fire Department and other agencies involved with enforcing safety standards.

Tenants in these apartments felt that they could not come forward and report substandard conditions, despite protection under the Landlord and Tenant Act and the Rent Control Act. They feared their complaints would lead to their unit being closed down.

The Residents' Rights Act makes it possible for tenants to complain to their landlord and the municipality about safety issues, without fear of eviction. Requests for inspections should be directed to the municipal property standards department or fire department.

What do the new Fire Code standards require?

Ontario's Fire Code sets standards for smoke alarms, proper fire separation and a proper means of escape in existing buildings. To coincide with the Residents' Rights Act, a new section was added to the Fire Code that established new minimum safety requirements for houses with two units.

**Homeowners must
install operating smoke
alarms in their units by
August 13, 1994.**

*Homeowners have until July 14, 1996 to
comply with other requirements for fire
separations, fire exits and electrical safety.*

**What does the Building
Code require?**

The Ontario Building Code standards cover
such things as ceiling height, room and
window size and ventilation.

If a homeowner is installing a new second
unit in their house, they must get a building
permit or a change of use permit before
starting. In addition, a building permit may be
needed for repairs or renovations required to
make an apartment safe.

**What else should a
homeowner know?**

- Houses on private septic systems are not covered by the Residents' Rights Act. Municipalities can decide whether second units can be added in these cases.
- The Residents' Rights Act limits the standards that municipalities can apply to houses with two units. For example:
 - the parking requirement for a house with two units cannot exceed two spaces.
 - if a zoning by-law requires that a house with one unit have a lot of at least 6,000 square feet, the by-law cannot require that a house with 2 units have a larger lot.
- Municipalities can continue to regulate the "physical character" of neighbourhoods by setting planning standards covering such things as building height, building setbacks and lot coverage.

For more information

**For more information
on apartments in houses,
please contact:**

Ministry of Housing
(416) 585-7041

**For more information
about the Fire Code,
please contact:**

Office of the Fire Marshal
Ministry of the Solicitor General
and Correctional Services
(416) 325-3100

A copy of the new Fire Code regulation for
apartments in houses can be obtained from
Publications Ontario, 50 Grosvenor Street,
Toronto, Ontario, M7A 1N8;
Telephone 1-800-668-9938

*Information can also be obtained from
your local planning, building, property standards,
by-law enforcement or fire departments.*



*Disponible en français :
Les dispositions du projet de loi 120 concernant
les appartements aménagés dans les maisons privées sont
maintenant en vigueur*